

Senate Study Bill 3104 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act establishing a criminal penalty for violent repeat
2 offenders and reducing earned time for offenders required
3 to participate in batterers' education under certain
4 circumstances.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **903A.8 Violent repeat offender.**

2 1. A violent repeat offender is any person convicted of a
3 felony offense under chapter 707, 708, 709, 710, 711, or 713,
4 who has previously been convicted of any two felony violations
5 under chapter 707, 708, 709, 710, 711, or 713.

6 2. Notwithstanding subsection 1, a person shall not be
7 considered to be a violent repeat offender if the conviction
8 that would otherwise make the offender a violent repeat
9 offender is a conviction for murder in the second degree in
10 violation of section 707.3, attempted murder in violation of
11 section 707.11, sexual abuse in the second degree in violation
12 of section 709.3, kidnapping in the second degree in violation
13 of section 710.3, robbery in the first degree in violation of
14 section 711.2, or robbery in the second degree in violation
15 of section 711.3. However, a prior conviction for murder in
16 the second degree in violation of section 707.3, attempted
17 murder in violation of section 707.11, sexual abuse in the
18 second degree in violation of section 709.3, kidnapping in the
19 second degree in violation of section 710.3, robbery in the
20 first degree in violation of section 711.2, or robbery in the
21 second degree in violation of section 711.3 shall be counted
22 as a previous conviction in determining whether a person is a
23 violent repeat offender due to the most recent conviction.

24 3. An offense is a felony if, by the law under which the
25 person is convicted, it is so classified at the time of the
26 person's conviction.

27 4. For purposes of this section, felony conviction
28 includes any felony conviction in another jurisdiction that is
29 comparable to a felony listed in subsection 1 or any conviction
30 under the prior laws of this state or another jurisdiction,
31 that is comparable to a felony conviction listed in subsection
32 1.

33 Sec. 2. Section 903A.2, subsection 1, paragraphs a and b,
34 Code 2016, are amended to read as follows:

35 a. (1) Category "A" sentences are those sentences which

1 are not subject to a maximum accumulation of earned time of
2 fifteen percent of the total sentence of confinement under
3 section 902.12 and those sentences which are not violent
4 repeat offender sentences under section 903A.8. To the extent
5 provided in subsection 5, category "A" sentences also include
6 life sentences imposed under section 902.1. An inmate of an
7 institution under the control of the department of corrections
8 who is serving a category "A" sentence is eligible for a
9 reduction of sentence equal to one and two-tenths days for each
10 day the inmate demonstrates good conduct and satisfactorily
11 participates in any program or placement status identified by
12 the director to earn the reduction. The programs include but
13 are not limited to the following:

- 14 ~~{1}~~ (a) Employment in the institution.
- 15 ~~{2}~~ (b) Iowa state industries.
- 16 ~~{3}~~ (c) An employment program established by the director.
- 17 ~~{4}~~ (d) A treatment program established by the director.
- 18 ~~{5}~~ (e) An inmate educational program approved by the
19 director.

20 (2) (a) ~~However, an~~ An inmate required to participate in
21 a sex offender treatment program shall not be eligible for a
22 reduction of sentence unless the inmate participates in and
23 completes a sex offender treatment program established by the
24 director.

25 (b) An inmate required to participate in a batterers'
26 treatment program shall not be eligible for a reduction of
27 sentence unless the inmate participates in and completes a
28 batterers' treatment program established by the director.

29 (3) An inmate serving a category "A" sentence is eligible
30 for an additional reduction of sentence of up to three hundred
31 sixty-five days of the full term of the sentence of the inmate
32 for exemplary acts. In accordance with section 903A.4, the
33 director shall by policy identify what constitutes an exemplary
34 act that may warrant an additional reduction of sentence.

35 **b.** Category "B" sentences are those sentences which are

1 subject to a maximum accumulation of earned time of fifteen
2 percent of the total sentence of confinement under section
3 902.12 or which are violent repeat offender sentences under
4 section 903A.8. An inmate of an institution under the control
5 of the department of corrections who is serving a category
6 "B" sentence is eligible for a reduction of sentence equal to
7 fifteen eighty-fifths of a day for each day of good conduct by
8 the inmate.

9

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill establishes a criminal penalty for a violent
13 repeat offender and reduces earned time for offenders
14 required to participate in batterers' education under certain
15 circumstances.

16 Under the bill, a violent repeat offender is any person
17 convicted of a more serious felony under Code chapter
18 707 (homicide), 708 (assault), 709 (sexual abuse), 710
19 (kidnapping), 711 (robbery and extortion), or 713 (burglary)
20 who has twice before been convicted of any felony violation
21 under those Code chapters.

22 An offender who is serving a violent repeat offender
23 sentence under the bill is only eligible for a reduction of
24 sentence equal to fifteen eighty-fifths of a day for each
25 day of good conduct by the offender. Most other offenders
26 are eligible for a reduction of sentence equal to one and
27 two-tenths days for each day the inmate demonstrates good
28 conduct. The fifteen eighty-fifths of a day for each day
29 of good conduct by a repeat violent offender equals the same
30 rate of reduction of sentence for an offender who is serving
31 a 70 percent sentence under Code section 902.12. However, an
32 offender serving a violent repeat offender sentence is not
33 required to serve seven-tenths of the maximum term of the
34 sentence prior to being eligible for parole or work release as
35 an offender serving a 70 percent sentence is required to serve.

1 In order to preserve the service of a 70 percent sentence by
2 an offender, a person shall not be a violent repeat offender
3 if the most recent conviction that would otherwise make the
4 offender a violent repeat offender is a conviction for murder
5 in the second degree in violation of Code section 707.3,
6 attempted murder in violation of Code section 707.11, sexual
7 abuse in the second degree in violation of Code section 709.3,
8 kidnapping in the second degree in violation of Code section
9 710.3, robbery in the first degree in violation of Code section
10 711.2, or robbery in the second degree in violation of Code
11 section 711.3. However, a prior conviction for murder in the
12 second degree, attempted murder, sexual abuse in the second
13 degree, kidnapping in the second degree, robbery in the first
14 degree, or robbery in the second degree shall be counted as
15 a previous conviction in determining whether a person is a
16 violent repeat offender.

17 The bill provides that an inmate at a correctional
18 institution who is required to participate in a batterers'
19 education program is not eligible for a reduction of sentence
20 under Code section 903A.2(1)(a) unless the inmate participates
21 in and completes the batterers' education program established
22 by the director of the department of corrections.